

Neel Chatterjee (SBN 173985)
nchatterjee@goodwinlaw.com

GOODWIN PROCTER LLP
135 Commonwealth Drive
Menlo Park, California 94025
Tel.: +1 650 752 3100
Fax.: +1 650 853 1038

Brett Schuman (SBN 189247)
bschuman@goodwinlaw.com

Shane Brun (SBN 179079)
sbrun@goodwinlaw.com

Rachel M. Walsh (SBN 250568)
rwalsh@goodwinlaw.com

Hayes P. Hyde (SBN 308031)
hhyde@goodwinlaw.com

GOODWIN PROCTER LLP
Three Embarcadero Center
San Francisco, California 94111
Tel.: +1 415 733 6000
Fax.: +1 415 677 9041

Hong-An Vu (SBN 266268)
hvu@goodwinlaw.com

GOODWIN PROCTER LLP
601 S Figueroa Street, 41st Floor
Los Angeles, California 90017
Tel.: +1 213 426 2500
Fax.: +1 213 623 1673

Attorneys for Defendant
Otto Trucking LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc., et al.,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF TODD A. BOOCK IN
SUPPORT OF OTTO TRUCKING'S
MOTION TO COMPEL DEPOSITIONS OF
NATHANIEL FAIRFIELD, LEAH
BIJNENS, JOHN KRAFCIK AND
ANDREW BARTON SWEENEY**

Magistrate Judge: Hon. Jacqueline Scott Corley
Trial: October 10, 2017

Filed/Lodged Concurrently with:
1. Discovery Letter Brief
2. Declaration of Noah Jennings

ACTIVE/92392317.1

BOOCK DECLARATION ISO OTTO TRUCKING'S MOTION
TO COMPEL DEPOSITIONS

CASE NO. 3:17-CV-00939

1 I, Todd A. Boock, declare as follows:

2 1. I am Counsel at the law firm of Goodwin Procter LLP, counsel of record for
3 Defendant Otto Trucking LLC (“Otto Trucking”). I make this declaration based upon matters
4 within my own personal knowledge and if called as a witness, I could and would competently
5 testify to the matters set forth herein. I make this declaration in support of Defendant Otto
6 Trucking LLC’s (“OT”) Motion to Compel Depositions of Nathaniel Fairfield, Leah Bijmens, John
7 Krafcik and Andrew Barton Sweeney (collectively, “the Witnesses”).

8 2. On August 31, 2017, I sent an e-mail to counsel for plaintiff Waymo LLC
9 (“Waymo”), copying all other counsel representing parties in this matter and Special Master John
10 Cooper, asking that Waymo allow OT to conduct depositions of the Witnesses, due to Waymo’s
11 late disclosure of documents produced after the Court’s August 18, 2017 Order (Docket No.
12 1272), and particularly a document Bates-stamped WAYMO-UBER-000084802-08. I also
13 requested a meet and confer on the issues with Special Master Cooper. I received no response to
14 my e-mail. Attached hereto as **Exhibit 1** is a true and correct copy of my August 31st e-mail.

15 3. On August 31, 2017, I participated in two meet and confers to address issues raised
16 in my August 31st e-mail. I explained the basis of the request, that the newly-disclosed document
17 included new information pertaining to the Witnesses’ involvement in investigating Anthony
18 Levandowski’s relationship to other companies, such as Odin Wave and Tyto LiDar, to compete
19 with Waymo’s self-driving automobile division. Waymo’s counsel would not agree to OT’s
20 request for depositions and said that they would get back to me. Due to the motion to compel
21 cutoff of August 31, 2017 at midnight, I asked Waymo’s counsel to get back to me as soon as
22 possible.

23 4. During the second meet and confer, I sent an e-mail to counsel for Waymo, offering
24 to limit the depositions to 2.5 hours. I also offered to start with Fairfield and Bijmens to see if OT
25 needed the other witnesses, reserving our rights to depose Sweeney and Krafcik at a later time.
26 Attached as **Exhibit 2** is a true and correct copy of my August 31st e-mail.

1 5. To date, I have not received a response from Waymo's counsel, which I have
2 interpreted as a rejection of my request.

3
4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct. Executed this 31st day of August, 2017 in Los Angeles, California.

6
7 /s/ Todd A. Boock
8 Todd A. Boock
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTORNEY ATTESTATION

I hereby attest, pursuant to Local Rule 5-1(i)(3), that I obtained the concurrence in the filing of this document from the signatory indicated by the conformed (/s/) of Todd A. Boock.

/s/ I. Neel Chatterjee
I.NEEL CHATTERJEE

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on August 31, 2017. I further certify that all participants in the case are registered CM/ECF users and that service of the Declaration, including all public and redacted exhibits attached hereto, will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 31st day of August 2017.

/s/ I. Neel Chatterjee
I. Neel Chatterjee